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05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07 JEFFREY DUANE MOSES,) CASE NO.: C06-1105-MJP-MAT
08)
08 Petitioner,)
09)
09 v.) ORDER RE:
10) SUPPLEMENTAL BRIEFING
10 ALICE PAYNE,)
11)
11 Respondent.)
12 _____)

13 Having reviewed the briefing submitted in support of and in opposition to petitioner's
14 petition for habeas corpus, the Court finds that supplemental briefing would be useful in two
15 respects. First, respondent argues that petitioner failed to exhaust his third claim for habeas relief,
16 but fails to offer an alternative argument on the merits. Second, in respondent's "Supplemental
17 Answer" (Dkt. 12), which the Court construes as a reply to her answer, respondent raises a new
18 argument in opposition to petitioner's first ground for relief. Accordingly, respondent shall submit
19 briefing as to the merits of petitioner's third ground for relief on or before **November 8, 2006**, and
20 petitioner shall submit a response to that argument and the new argument raised in respondent's
21 reply on or before **November 22, 2006**. Respondent's answer is hereby renoted for consideration
22 as of **November 22, 2006** and the Clerk is directed to send copies of this Order to counsel for

01 petitioner, counsel for respondent, and the Honorable Marsha J. Pechman.

02 DATED this 25th day of October, 2006.

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04 Mary Alice Theiler
05 United States Magistrate Judge
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